

APPEAL NO. 032889
FILED DECEMBER 23, 2003

This appeal arises pursuant to the Texas Workers' Compensation Act, TEX. LAB. CODE ANN. § 401.001 *et seq.* (1989 Act). A contested case hearing was held on June 17, September 3, and October 3, 2003. The hearing officer determined that the appellant (claimant) did not sustain a compensable repetitive trauma injury, nor did she aggravate any preexisting condition while working for the employer, on _____, and that because there is no compensable injury, there is no disability. The claimant appeals on sufficiency of the evidence grounds. The appeal file does not contain a response from the respondent (carrier).

DECISION

Affirmed.

The claimant alleged that she sustained a compensable repetitive trauma injury to her right upper extremity on _____, as a result of the repetitive job duties she performed in the course and scope of her employment with the employer. The claimant testified at length regarding all of the job duties which she has performed for the employer since her employment commenced on May 5, 1999. The claimant testified that she first noticed symptoms involving her right upper extremity in August 2002, but that she initially thought she might be developing arthritis due to the cold air from the air conditioning vent near her workstation. The claimant presented medical evidence to support her claim that she sustained a compensable repetitive trauma injury, and that she has had disability as a result. The carrier presented testimony and evidence from the claimant's supervisors and a vocational rehabilitation specialist to support its position that the claimant's job duties were not repetitive or traumatic, and that the claimant performed a variety of functions throughout the course of her employment.

The questions of whether the claimant sustained a compensable injury and whether she had disability presented questions of fact for the hearing officer to resolve. The hearing officer is the sole judge of the weight and credibility of the evidence. Section 410.165(a). As the fact finder, the hearing officer was charged with the responsibility of resolving the conflicts and inconsistencies in the evidence and deciding what facts the evidence has established. Texas Employers Insurance Association v. Campos, 666 S.W.2d 286 (Tex. App.-Houston [14th Dist.] 1984, no writ). The hearing officer was acting within her province as the fact finder in resolving the conflicts and inconsistencies in the evidence against the claimant. Nothing in our review of the record reveals that the challenged determinations are so against the great weight of the evidence as to be clearly wrong or manifestly unjust. Cain v. Bain, 709 S.W.2d 175, 176 (Tex. 1986). Accordingly, no sound basis exists for us to disturb those determinations on appeal.

The hearing officer's decision and order are affirmed.

The true corporate name of the insurance carrier is **AMERICAN PROTECTION INSURANCE COMPANY** and the name and address of its registered agent for service of process is

**CORPORATION SERVICE COMPANY
800 BRAZOS
AUSTIN, TEXAS 78701.**

Thomas A. Knapp
Appeals Judge

CONCUR:

Gary L. Kilgore
Appeals Judge

Robert W. Potts
Appeals Judge